

FILED

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**PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY**

Division of Consumer Affairs

Division of Consumer Affairs
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

In the Matter of An Inquiry
Between Reni Erdos,
Director, New Jersey
Division of Consumer Affairs

Administrative Action

and

CONSENT ORDER

Edward Connor Cabinet Makers

and

Edward Connor, Individually

RESPONDENTS

This matter having been opened by the Division of Consumer Affairs, Office of Consumer Protection (hereinafter referred to as "Division"), as an investigation in order to ascertain whether violations of the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., and the New Jersey Regulations Governing Home Improvement Practice, N.J.A.C. 13:45A-16.1 et seq. (hereinafter referred to as "Regulations"), have been or are being committed by Edward Connor Cabinet Makers and Edward Connor, individually and as owner of Edward Connor Cabinet Makers (hereinafter jointly referred to as "Respondents"), and it appearing that the parties have met and have reached an amicable agreement thereby

resolving the issues in controversy and concluding this matter without the need for further action, and Respondents having voluntarily cooperated and consented to the entry of the within order without having admitted any violation of law and for good cause shown,

IT IS on this 25th day of March, 2004

ORDERED AND AGREED as follows:

A. BUSINESS PRACTICES

1. Respondents, their officers, directors, agents, representatives, employees, successors, and assigns shall comply with the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., and the Regulations, including, but not limited, to the following:

- a. Respondents shall not commence work until they are sure that all applicable state or local building and construction permits have been issued as required under state laws or local ordinances; and
- b. Respondents shall perform work in accordance with all state and/or local codes and specifications; and
- c. Respondents shall provide in all home improvement contracts the dates or the time period on or within which the work is to begin and to be completed.

B. PAYMENT TO THE STATE

2. Upon signing this Consent Order, the Respondents, jointly and severally, shall be liable to pay investigative costs in the amount of \$733.22 and civil penalties in the amount of \$1500.00, for a total amount of \$2233.22. Said payment shall be made

as follows: Respondents jointly and severally shall make nine (9) monthly payments. The first monthly payment shall be \$233.22 and shall be paid on or before December 1, 2003. Thereafter, each succeeding monthly payment shall be \$250.00 and shall be due on the first day of each succeeding month for the following eight (8) months until the full balance is paid. Each payment shall be paid by certified check or money order payable to the New Jersey Division of Consumer Affairs, and shall be mailed to the State of New Jersey, Office of Consumer Protection, Case Management Tracking, P.O. Box 45025, Newark, New Jersey 07101. In the event that payment hereunder is not made when due, all unpaid amounts due and payable under this Consent Order shall immediately be accelerated and be due and payable without the need for notice or presentment, with interest calculated in accordance with R. 4:42-11 from the date of default, and with the State's costs of collection.

C. RESTITUTION

3. The consumer complaint listed in **Schedule "A"** attached, is to be referred to an arbitrator through the Consumer Affairs Alternative Dispute Resolution Unit ("ADR Unit") for binding arbitration. Respondents agree herein to participate in this arbitration process. Thereafter, the matter will proceed in accordance with the ADR Guidelines. If the consumer refuses to participate in the ADR program, the consumer's complaint shall be deemed closed for the purposes of this Consent Order. In the event that Respondents fail or refuse to participate in the arbitration process with the consumer, the arbitrator may enter a default against Respondents. Respondents shall pay any and all arbitration awards within _____ days of the arbitrator's decision unless otherwise

specified in writing in the arbitration award. Failure or refusal to participate in the arbitration process or to timely pay an award shall constitute a violation of this Consent Order by Respondents.

4. In the event that Respondents refuse or default in making payment for any and all arbitration awards, Respondents shall be liable to pay \$5000.00, the full contract price, to the consumer.

D. GENERAL PROVISIONS

5. After signing this Consent Order, if Respondents engage in any further acts or practices which constitute a violation of this Consent Order or the Act, they shall be subject to the imposition of enhanced penalties pursuant to the provisions of **N.J.S.A.** 56:8-13.

6. If any provision of this Consent Order or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Consent Order or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each provision of this Consent Order shall be valid and enforced to the fullest extent permitted by law.

7. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding, and acceptance of its terms and that this person has done so with the authority to legally bind the respective parties.

8. Nothing contained herein shall bind or affect the rights of any person not a party hereto.

9. Nothing contained herein shall bind or affect any position which any party may take in any future or unrelated action.

10. This Consent Order constitutes a final agency order and shall be effective upon filing.

11. The Division has advised Respondents to seek the advise of counsel before signing this Consent Order.

PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY

BY: 

Reni Erdos, Director, New Jersey
Division of Consumer Affairs

DATED 3/25/04, 2003

The undersigned acknowledge that they have read the foregoing order, understand it and agree to be bound by its terms. They hereby consent to the entry of this Consent Order.

Edward Connor Cabinet Makers

BY: 

(Signature)

Dated: 3/12/04

Title: owner


Edward Connor, Individually

Dated: 3/12/04